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HOUSE BILL 500

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Edward C. Sandoval

AN ACT

**RELATING TO ELECTIONS; UPDATING OUTDATED LANGUAGE IN ARTICLES 4
AND 5 OF THE ELECTION CODE; MAKING LANGUAGE IN THE ELECTION
CODE CONSISTENT WITH FEDERAL LAW; AMENDING, RECOMPILING,
REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. A new section of the Election Code is enacted
to read:**

**"[NEW MATERIAL] USE OF VOTER DATA. --Voter data or any
information derived from voter registration shall not be used
by any federal, state or local government for the prosecution
or enforcement of laws other than violations of the Election
Code. "**

**Section 2. Section 1-4-23 NMSA 1978 (being Laws 1969,
Chapter 240, Section 79, as amended) is amended to read:**

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1 "1-4-23. REVIEW OF REGISTRATION-- BOARD OF
2 REGISTRATION-- INACTIVE VOTER LIST CREATION.-- Beginning on the
3 third Monday of March of each odd-numbered year, the board of
4 registration shall review all certificates of registration [~~for~~
5 ~~failure of the voter to vote~~] and, based on that review, shall
6 establish a list of inactive voters [~~Voters who fail to vote in~~
7 ~~at least one statewide or local election in a two-year period~~
8 ~~shall be placed on an inactive voter list~~] in accordance with
9 the provisions of the federal National Voter Registration Act
10 of 1993. The secretary of state shall issue rules on list
11 maintenance in accordance with the provisions of the federal
12 National Voter Registration Act of 1993."

13 Section 3. Section 1-5-1 NMSA 1978 (being Laws 1969,
14 Chapter 240, Section 103, as amended) is amended to read:

15 "1-5-1. SHORT TITLE.-- [~~Sections 3-5-1 through 3-5-34 NMSA~~
16 ~~1953~~] Chapter 1, Article 5 NMSA 1978 may be cited as the
17 "[~~Automated~~] Voter Records System Act". "

18 Section 4. Section 1-5-2 NMSA 1978 (being Laws 1969,
19 Chapter 240, Section 104, as amended) is amended to read:

20 "1-5-2. DEFINITIONS.-- As used in the Election Code:

21 A. "county" means any county in this state;

22 [~~B. "county register" means an official file of~~
23 ~~original certificates of registration of the county or any~~
24 ~~precinct thereof;~~

25 C. [~~"voter list" means any prepared list of voters;~~

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1 D. ~~"signature roster" means a copy of a voter list~~
2 ~~with space provided opposite each voter's name for the voter's~~
3 ~~signature or witnessed mark;~~

4 E. ~~"active data processing media" means magnetic~~
5 ~~disks, magnetic tape or functionally similar devices containing~~
6 ~~data capable of being read and processed by computer for the~~
7 ~~eventual preparation of voter lists;~~

8 F. ~~"intermediate records" means records on active~~
9 ~~data processing media;~~

10 G. ~~"voter file" means all voter registration~~
11 ~~information required by law and by the secretary of state that~~
12 ~~has been extracted from the certificate of registration of each~~
13 ~~voter in the county, stored on active data processing media and~~
14 ~~certified by the county clerk as the source of all information~~
15 ~~required by the Automated Voter Records System Act;~~

16 H. ~~"program records" means the necessary detailed~~
17 ~~program and instructions for carrying out and controlling~~
18 ~~machine processing of information derived from the voter file.~~
19 ~~Program records shall exist in written English or coded form~~
20 ~~and they may exist on active data processing media;~~

21 I. ~~"mailing labels" means prepared mailing labels~~
22 ~~of selected voters arranged in the order in which requested and~~
23 ~~providing only the name and address of the voter;~~

24 J. ~~"special voter lists" means prepared lists of~~
25 ~~selected voters arranged in the order in which requested;~~

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1 K. ~~"statistical data" means information derived~~
2 ~~from the voter file;~~

3 L. ~~"voter data" means selected information derived~~
4 ~~from the voter file;~~

5 M. ~~"data processor" means a data processing~~
6 ~~facility and associated employees and agents thereof contracted~~
7 ~~to provide data processing services required by the Automated~~
8 ~~Voter Records System Act;~~

9 N. ~~"file maintenance list" means any prepared~~
10 ~~listing that reflects additions, deletions or changes to the~~
11 ~~voter file;~~

12 O. ~~"precinct voter list" means a voter list~~
13 ~~arranged in alphabetical order of voter surname within and for~~
14 ~~each precinct;~~

15 P. ~~"county voter list" means a voter list arranged~~
16 ~~in alphabetical order of voter surname within and for each~~
17 ~~county;~~

18 Q. ~~"unofficial election canvassing file" means the~~
19 ~~compilation by the county clerk of the results of any election~~
20 ~~prior to official certification of the election results;~~

21 R. ~~"unofficial election canvassing system" means~~
22 ~~the automated data processing computer program used to create~~
23 ~~the unofficial election canvassing file;~~

24 S. ~~"election campaign purposes" means relating in~~
25 ~~any way to a campaign in an election conducted by a federal,~~

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1 ~~state or local government; and~~

2 ~~T. "governmental purposes" means noncommercial~~
3 ~~purposes relating in any way to the structure, operation or~~
4 ~~decision-making of a federal, state or local government]~~

5 B. "county register" means an official file of
6 original certificates of registration of the county or any of
7 its precincts;

8 C. "county voter list" means a voter list arranged
9 in alphabetical order of voter surname within and for each
10 county;

11 D. "data processor" means a data processing
12 facility and its associated employees and agents contracted to
13 provide data processing services required by the Voter Records
14 System Act;

15 E. "data recording media" means a manual,
16 electronic or other device containing data capable of being
17 read and processed by any means for the eventual preparation of
18 voter lists;

19 F. "election campaign purposes" means relating in
20 any way to a campaign in an election conducted by a federal,
21 state or local government;

22 G. "file maintenance list" means any prepared
23 listing that reflects additions, deletions or changes to the
24 voter file;

25 H. "governmental purposes" means noncommercial

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1 purposes relating in any way to the structure, operation or
2 decision-making of a federal, state or local government;

3 I. "mailing labels" means prepared mailing labels
4 of selected voters arranged in the order in which requested and
5 providing only the name and address of the voter;

6 J. "precinct voter list" means a voter list
7 arranged in alphabetical order of voter surname within and for
8 each precinct;

9 K. "signature roster" means a copy of a voter list
10 with space provided opposite each voter's name for the voter's
11 signature or witnessed mark;

12 L. "special voter list" means a prepared list of
13 selected voters arranged in the order in which requested;

14 M. "voter data" means selected information derived
15 from the voter file;

16 N. "voter file" means all voter registration
17 information required by law and by the secretary of state that
18 has been extracted from the certificate of registration of each
19 voter in the county, stored on data recording media and
20 certified by the county clerk as the source of all information
21 required by the Voter Records System Act; and

22 O. "voter list" means any prepared list of voters."

23 Section 5. Section 1-5-3 NMSA 1978 (being Laws 1969,
24 Chapter 240, Section 105, as amended by Laws 1993, Chapter 314,
25 Section 33 and also by Laws 1993, Chapter 316, Section 33) is

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1 amended to read:

2 "1-5-3. ACT IS MANDATORY AND SUPPLEMENTAL TO ELECTION
3 CODE. --

4 A. [~~Effective January 1, 1984~~] The [~~Automated~~]
5 Voter Records System Act is mandatory and supplemental to the
6 provisions of the Election Code. The provisions of that act
7 shall be implemented in all counties by order of the [~~board of~~
8 ~~county commissioners of the county in all precincts of a~~
9 ~~county~~] secretary of state in accordance with the provisions of
10 the federal Help America Vote Act of 2002.

11 B. The secretary of state shall maintain [~~a current~~
12 ~~registration list of state voters~~] the official state voter
13 file based on county [~~voter lists and~~] registers and provide
14 access to the file to the county clerks. The secretary of
15 state shall prescribe any rules, forms and instructions
16 necessary [~~for the orderly transition to and the efficient~~
17 ~~implementation of~~] to implement procedures required by the
18 [~~Automated~~] Voter Records System Act and federal law. The
19 secretary of state shall maintain a log, which shall be public,
20 containing all transactions regarding requests for current
21 registration lists of state voters. The log shall indicate the
22 requesting party, the date of the request, the date of
23 fulfilling the request, charges made and any other information
24 deemed advisable by the secretary of state. Requests for
25 registration lists in printed or [~~magnetic~~] electronic form

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1 shall be fulfilled within a period of ten working days.

2 C. All registration records required by the
3 Election Code shall be maintained for each of the precincts in
4 addition to those records required by the ~~[Automated]~~ Voter
5 Records System Act ~~[but the procedures of that act shall be~~
6 ~~used in lieu of others prescribed in the Election Code]~~ and
7 federal law. "

8 Section 6. Section 1-5-6 NMSA 1978 (being Laws 1969,
9 Chapter 240, Section 108, as amended) is amended to read:

10 "1-5-6. PRECINCT VOTER LISTS--SIGNATURE ROSTER
11 PREPARATION. --The county clerk shall provide for preparation of
12 precinct voter lists and signature rosters generated from the
13 official state voter file for any precincts. The precinct
14 voter lists and signature rosters shall be used at any election
15 for which registration of voters is required in lieu of bound
16 original certificates of registration and poll books. "

17 Section 7. Section 1-5-7 NMSA 1978 (being Laws 1969,
18 Chapter 240, Section 109, as amended) is amended to read:

19 "1-5-7. PRECINCT VOTER LISTS--SIGNATURE ROSTERS--
20 CONTENTS. --

21 A. The precinct voter lists and signature rosters
22 for any precinct shall contain for each voter, as shown in the
23 county register:

- 24 (1) ~~[his]~~ name;
- 25 (2) gender;

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- 1 (3) place of residence;
- 2 (4) last four digits of the voter's social
- 3 security number;
- 4 (5) year of birth;
- 5 (6) party affiliation, if any; and
- 6 (7) precinct of residence.

7 B. In addition, the names on each precinct voter
8 list and signature roster shall be numbered consecutively
9 beginning with the number "1".

10 C. On each page of each precinct voter list and on
11 each signature roster there shall be printed the page number
12 and the date and name of the election for which they are to be
13 used.

14 ~~[D. For those counties who, prior to June 18, 1993,~~
15 ~~utilized voter files that do not contain telephone numbers of~~
16 ~~registered voters, the provisions of Subsections J and L of~~
17 ~~Section 1-5-2 NMSA 1978 and Paragraph (4) of Subsection A of~~
18 ~~Section 1-5-7 NMSA 1978 regarding dissemination of voter~~
19 ~~telephone numbers shall apply only to individuals registering~~
20 ~~to vote after January 1, 1994.]"~~

21 Section 8. Section 1-5-8 NMSA 1978 (being Laws 1969,
22 Chapter 240, Section 110, as amended) is amended to read:

23 "1-5-8. PRECINCT VOTER LISTS--SIGNATURE ROSTERS--NUMBER--
24 DISTRIBUTION. --

25 A. One copy of the signature roster shall be

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1 prepared for each precinct. On the cover of [~~such~~] the
2 signature roster shall be printed the words, "Copy for the
3 County Clerk". Upon its preparation and certification as to
4 its accuracy and completeness, the county clerk shall deliver
5 the copy of the signature roster to the precinct board [~~in lieu~~
6 ~~of the poll book~~].

7 B. The county clerk shall prepare three copies of
8 the precinct voter list for each precinct. Of the three copies
9 prepared, one copy shall not include voter social security
10 numbers; [~~He~~] the other two shall include only the last four
11 digits of the voter's social security number. The county clerk
12 shall deliver two of the copies to each precinct board [~~in lieu~~
13 ~~of bound certificates of registration~~]. One copy of the
14 precinct voter list shall be retained by the county clerk for
15 verification purposes on election day and one copy for the
16 secretary of state shall be marked to verify those voters on
17 the list who voted.

18 C. Two copies of the county voter list, arranged in
19 alphabetical order, shall be prepared for election day for
20 verification purposes only. "

21 Section 9. Section 1-5-14 NMSA 1978 (being Laws 1969,
22 Chapter 240, Section 118, as amended) is amended to read:

23 "1-5-14. FILE MAINTENANCE LISTS. --

24 A. At least once a month the county clerk shall
25 have made from the state voter file a file maintenance list of

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1 additions, deletions and changes, if any, to the county
2 register.

3 ~~[B. The county clerk shall be furnished with two~~
4 ~~copies of the file maintenance lists.]~~

5 ~~C.]~~ B. One copy of the list shall be stored by the
6 county clerk for at least one year.

7 ~~[D.]~~ C. The county clerk shall also ~~[be furnished~~
8 ~~with]~~ furnish copies of the list to ~~[give to]~~ the county
9 chairman of each of the major political parties in the county.
10 The copy of the chairman's list shall indicate whether each
11 item is an addition, deletion or change. The file maintenance
12 list shall not include the voter's social security number,
13 codes used to identify the agency where the voter registered,
14 the voter's day and month of birth or the voter's telephone
15 number, if prohibited by the voter.

16 ~~[E. Beginning the first Monday of February of an~~
17 ~~election year and every month thereafter, the county clerks~~
18 ~~shall furnish the secretary of state with a copy of the voter~~
19 ~~file, except that during the months of April and September of~~
20 ~~an election year, the county clerks shall furnish a copy of the~~
21 ~~voter file to the secretary of state at least one time each~~
22 ~~week. The final copy shall be furnished to the secretary of~~
23 ~~state by the county clerks within seven days of the close of~~
24 ~~registration.]"~~

25 Section 10. Section 1-5-17 NMSA 1978 (being Laws 1969,

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1 Chapter 240, Section 122, as amended) is amended to read:

2 "1-5-17. [~~PROGRAM RECORDS~~] VOTER REGISTRATION SYSTEM
3 SOFTWARE- - INSTRUCTIONS- - STATUS- - PROTECTION. - -

4 A. [~~Program records~~] Voter registration system
5 software and instructions for [~~their~~] its use in controlling
6 the processing of information derived from the voter file shall
7 be verified functionally, identified and approved by the
8 secretary of state.

9 [~~B. Program records and instructions for their use~~
10 ~~shall remain the property of the designated data processor.~~

11 ~~C.]~~ B. Verified, identified and approved [~~program~~
12 ~~records~~] voter registration system software and instructions
13 shall be safeguarded at all times against loss or damage. The
14 designated data processor shall be in charge of these
15 safeguards subject to approval by the secretary of state. "

16 Section 11. Section 1-5-18 NMSA 1978 (being Laws 1969,
17 Chapter 240, Section 124, as amended) is amended to read:

18 "1-5-18. LIST AND ROSTER PREPARATION- - COMPATIBLE
19 DUPLICATE MEANS. - -

20 A. The [~~county clerk~~] secretary of state shall
21 [~~employ such~~] provide means to the county clerk for preparation
22 of voter lists and signature rosters [~~as can be functionally~~
23 ~~uplicated elsewhere with reasonable cost and convenience~~].

24 B. At least one compatible duplicate means shall be
25 provided for on a standby basis, and it shall be capable of

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1 performing the preparation of voter lists and signature rosters
2 with minimum delay in case the original means is unable to
3 perform.

4 C. The ~~[county clerk]~~ secretary of state shall
5 procure and preserve sufficient duplicate ~~[program information]~~
6 voter registration system software and operating instructions
7 ~~[with each duplicate program record]~~ so that in case of
8 disaster the duplicate master record and the duplicate ~~[program~~
9 ~~record and the duplicate additional program information]~~ voter
10 registration system software and operating instructions will be
11 all that will be required for another compatible facility to
12 prepare registered voter lists and signature rosters with
13 minimum delay. "

14 Section 12. Section 1-5-21 NMSA 1978 (being Laws 1975,
15 Chapter 255, Section 75, as amended) is amended to read:

16 "1-5-21. DATA PROCESSOR--CUSTODY AND PROTECTION OF VOTER
17 FILE--DELIVERY OF VOTER FILE AND PROGRAM RECORDS. --

18 A. The designated data processor shall provide the
19 secretary of state, county clerk or county with data processing
20 services in the implementation and maintenance of the
21 ~~[Automated]~~ Voter Records System Act and in carrying out such
22 other services as are reasonably related to providing
23 ~~[automated]~~ data processing of the voter records system.

24 B. The designated data processor ~~[shall be~~
25 ~~responsible for the identification of the voter file and~~

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1 ~~program records and parts thereof and~~ shall preserve and
2 safeguard ~~[them]~~ voter files and voter registration system
3 software from loss, damage, unauthorized alteration,
4 unauthorized access ~~[thereto]~~ and unauthorized reproduction
5 ~~[thereof]~~ and shall ~~[insure]~~ ensure their continued use and
6 accessibility while ~~[such file and records]~~ they are in the
7 data processor's custody.

8 C. No copies of the voter file or information or
9 listings derived therefrom shall be furnished by the data
10 processor to any person other than the secretary of state,
11 county clerk or ~~[his]~~ their designated ~~[agent]~~ agents.

12 ~~[D.—The designated data processor shall provide the~~
13 ~~county clerk of the county with data processing services in the~~
14 ~~implementation and maintenance of the unofficial election~~
15 ~~canvassing system.—~~

16 ~~E.—The unofficial election canvassing system shall~~
17 ~~be tested by the secretary of state at least thirty days prior~~
18 ~~to an election.—~~

19 ~~F.—The secretary of state shall certify the~~
20 ~~unofficial election canvassing system of any county at least~~
21 ~~twenty days prior to an election.—]~~"

22 Section 13. Section 1-5-22 NMSA 1978 (being Laws 1975,
23 Chapter 255, Section 76) is amended to read:

24 "1-5-22. UNLAWFUL DISPOSITION OF VOTER FILE--PENALTY.--

25 A. Unlawful disposition of voter file consists of

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1 the willful selling, loaning, providing access to or otherwise
2 surrendering of the voter file, duplicates of [~~such~~] the file
3 or a part [~~thereof~~] of the file by any of the following
4 persons:

- 5 (1) a data processor;
- 6 (2) his agent or employee;
- 7 (3) a state or county officer;
- 8 (4) his deputy or assistant; or
- 9 (5) his employee or agent

10 to anyone not authorized by the [~~Automated~~] Voter Records
11 System Act to have possession of [~~such~~] the file.

12 B. For purposes of this section, a file maintenance
13 list shall be considered a voter file or a part [~~thereof~~] of a
14 voter file.

15 C. Any data processor, officer, deputy, assistant,
16 agent or employee who commits unlawful disposition of voter
17 file is guilty of a fourth degree felony. "

18 Section 14. Section 1-5-23 NMSA 1978 (being Laws 1975,
19 Chapter 255, Section 77) is amended to read:

20 "1-5-23. UNLAWFUL DESTRUCTION OR ALTERATION OF [ACTIVE]
21 DATA [~~PROCESSING~~] RECORDING MEDIA, VOTER FILE, FILE MAINTENANCE
22 LIST, [~~PROGRAM RECORDS~~] VOTER REGISTRATION SYSTEM SOFTWARE,
23 INSTRUCTIONS AND VOTER LISTS--PENALTY. --

24 A. Unlawful destruction or alteration of [~~active~~]
25 data [~~processing~~] recording media, voter file, file maintenance

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1 list, [~~program records~~] voter registration system software,
2 instructions or voter lists consists of the unauthorized
3 destruction of, or the unauthorized alteration of, or the
4 erasure of information from, or the rendering unusable for
5 their lawfully intended purpose of such media, files, [~~records~~]
6 software, instructions and lists or parts thereof by any
7 person.

8 B. Any person who commits unlawful destruction or
9 alteration of [~~active~~] data [~~processing~~] recording media, voter
10 file, file maintenance lists, [~~program records~~] voter
11 registration system software, instructions or voter lists is
12 guilty of a fourth degree felony. "

13 Section 15. Section 1-5-24 NMSA 1978 (being Laws 1975,
14 Chapter 255, Section 78, as amended) is amended to read:

15 "1-5-24. REQUESTS FOR [~~STATISTICAL DATA~~] VOTER DATA,
16 MAILING LABELS OR SPECIAL VOTER LISTS. --

17 A. The county clerk or secretary of state shall
18 [~~authorize the data processor to~~] furnish [~~statistical data~~]
19 voter data, mailing labels or special voter lists only upon
20 written request to the county clerk or secretary of state and
21 after compliance with the requirements of this section;
22 provided, however, all requesters shall be treated equally [~~by~~
23 ~~the data processor~~] in regard to the charges and the furnishing
24 of the materials.

25 B. In furnishing voter data, mailing labels or

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1 special voter lists, the county clerk or secretary of state
2 shall not provide data or lists that include voters' social
3 security numbers, codes used to identify agencies where voters
4 have registered, voter's day and month of birth or voters'
5 telephone numbers if prohibited by voters.

6 C. Each requester of voter data, mailing labels or
7 special voter lists shall sign an affidavit that the voter
8 data, mailing labels and special voter lists shall be used for
9 governmental or election and election campaign purposes only
10 and shall not be made available or used for unlawful purposes.

11 ~~[D. Each requester of statistical data shall sign~~
12 ~~an affidavit that such statistical data shall be used for~~
13 ~~information or research purposes only and shall not be made~~
14 ~~available or used for unlawful purposes.]~~

15 E.] D. The secretary of state shall prescribe the
16 form of the affidavit. "

17 Section 16. Section 1-5-25 NMSA 1978 (being Laws 1975,
18 Chapter 255, Section 79, as amended) is amended to read:

19 "1-5-25. ~~[UNLAWFUL USE OF STATISTICAL DATA]~~ UNLAWFUL USE
20 OF VOTER DATA, MAILING LABELS OR SPECIAL VOTER LISTS--
21 PENALTIES. --

22 ~~[A. Unlawful use of statistical data consists of~~
23 ~~use of statistical data in such a manner as to derive~~
24 ~~information, the use or possession of which would be otherwise~~
25 ~~prohibited under the Automated Voter Records System Act.]~~

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1 ~~B.-~~ A. Unlawful use of voter data, mailing labels
2 or special voter lists consists of the knowing and willful use
3 of such information for purposes prohibited by the ~~Automated~~
4 Voter Records System Act.

5 ~~C.-~~ B. Any person, organization or corporation or
6 agent, officer, representative or employee thereof who commits
7 unlawful use of ~~statistical data~~ voter data, mailing labels
8 or special voter lists is guilty of a fourth degree felony and
9 upon conviction shall be fined one hundred dollars (\$100) for
10 each and every line of voter information which was unlawfully
11 used.

12 ~~D.-~~ C. Each and every unlawful use of ~~statistical~~
13 ~~data~~ voter data, mailing labels or special voter lists
14 constitutes a separate offense. "

15 Section 17. Section 1-5-26 NMSA 1978 (being Laws 1975,
16 Chapter 255, Section 80) is amended to read:

17 "1-5-26. CONTRACTUAL AGREEMENT REQUIRED WITH DATA
18 PROCESSOR. -- ~~[A. Each county implementing the Automated Voter~~
19 ~~Records System Act]~~ The secretary of state shall enter into a
20 written contractual agreement with the data processor
21 notwithstanding the fact that the data processor may be a
22 department of ~~county, municipal or~~ state government.
23 ~~[Parties to the contractual agreement shall be the county, the~~
24 ~~county clerk and the data processor.]~~

25 ~~B. All contractual agreements shall be approved by~~

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1 ~~the secretary of state, with the assistance of the automated~~
2 ~~voter records system advisory committee, before they are valid.~~

3 C. ~~The secretary of state shall provide by~~
4 ~~regulation the contractual provisions necessary for approval.]"~~

5 Section 18. Section 1-5-30 NMSA 1978 (being Laws 1989,
6 Chapter 298, Section 1) is amended to read:

7 "1-5-30. SECRETARY OF STATE--ESTABLISHMENT OF STATEWIDE
8 COMPUTERIZED VOTER REGISTRATION SYSTEM --

9 A. The secretary of state shall develop, implement,
10 establish and supervise a statewide computerized voter
11 registration system that complies with the federal Help America
12 Vote Act of 2002 to facilitate voter registration and to
13 provide a central database containing voter registration
14 information for New Mexico.

15 B. The statewide computerized voter registration
16 system shall:

17 (1) provide for the establishment and
18 maintenance of a central database for all voter registration
19 information;

20 (2) permit the offices of all county clerks to
21 add, modify and delete county information from the system to
22 provide for accurate and up-to-date records;

23 (3) permit the offices of the county clerks
24 and the bureau of elections to have access to the central
25 database for review and search capabilities;

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1 (4) provide security and protection for all
2 information in the central database and monitor the central
3 database to ensure the prevention of unauthorized entry;

4 (5) provide procedures for entering data into
5 the central database; and

6 (6) provide a centralized system for each
7 county to [~~identify~~] enter the precinct to which a voter should
8 be assigned for voting purposes [~~and~~

9 ~~(7) prescribe a procedure for phasing in or~~
10 ~~converting existing computerized records generated and~~
11 ~~maintained pursuant to the Automated Voter Records System~~
12 ~~Act.]"~~

13 Section 19. Section 1-5-31 NMSA 1978 (being Laws 1989,
14 Chapter 298, Section 2) is amended to read:

15 "1-5-31. UNIFORM PROCEDURES FOR COUNTIES. --The secretary
16 of state shall:

17 A. assist county clerks by devising uniform
18 procedures and forms that are compatible with the statewide
19 computerized voter registration system;

20 B. [~~develop and~~] provide to each county clerk the
21 computer software necessary for the use and maintenance of the
22 statewide computerized voter registration system; and

23 C. adopt such rules and regulations as are
24 necessary to establish and administer the statewide
25 computerized voter registration system and to require deadlines

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1 and time limits for updating of voter files [~~and to provide for~~
2 ~~the update of voter files at each polling place for the next~~
3 ~~election~~]. "

4 Section 20. Section 1-5-10 NMSA 1978 (being Laws 1969,
5 Chapter 240, Section 112, as amended) is recompiled as Section
6 1-12-7.1 NMSA 1978 and is amended to read:

7 "1-12-7.1. VOTER LISTS--SIGNATURE ROSTERS--USE DURING
8 ELECTION. --

9 A. Each precinct board using voter lists shall post
10 securely at or near the entrance of the polling place one copy
11 of the precinct voter list for use of the voters prior to
12 voting. The posted copy shall not contain a listing of voter
13 social security numbers.

14 B. The presiding judge of the precinct board shall
15 assign one judge of the board to be in charge of one copy of
16 the precinct voter list, which shall be used to confirm the
17 registration and voting of each person offering to vote.

18 C. The presiding judge of the precinct board shall
19 assign one election clerk to be in charge of the signature
20 roster.

21 D. The judge assigned to the precinct voter list
22 used for confirmation of registration and voting shall
23 determine that each person offering to vote is registered and,
24 in the case of a primary election, that the voter is registered
25 in a party designated on the primary election ballot. If the

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underscored material = new
[bracketed material] = delete

1 person's registration is confirmed by the presence of [~~his~~] the
2 person's name on the precinct voter list [~~or if the person~~
3 ~~presents a certificate under the seal and signature of the~~
4 ~~county clerk showing that he is entitled to vote in the~~
5 ~~election and to vote in that precinct~~], the judge shall
6 announce to the election clerks the list number and the name of
7 the voter as shown on the voter list.

8 E. The election clerk shall locate that list number
9 and name on the signature roster and shall require the voter to
10 sign his usual signature or, if unable to write, to make his
11 mark opposite his printed name. If the voter makes his mark,
12 it shall be witnessed by one of the judges of the precinct
13 board. If the signature roster indicates that the voter is
14 required to present a form of identification before voting, the
15 election judge shall ask the voter for a current and valid
16 photo identification or a copy of a current utility bill, bank
17 statement, government check, paycheck or other government
18 document that shows and matches the name and address of the
19 voter as indicated on the signature roster. If the voter does
20 not provide the required identification, he shall be allowed to
21 vote on a provisional paper ballot.

22 F. The election judge shall follow the procedures
23 provided for in Sections [~~4-5-12~~] 1-12-7.2 and 1-12-8 NMSA 1978
24 if a person whose name does not appear on the signature list
25 requests to vote or a person is required to vote on a

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1 provisional paper ballot.

2 G. A voter shall not be permitted to vote until he
3 has properly signed his usual signature or made his mark in the
4 signature roster.

5 H. After the poll is closed, the election clerk in
6 charge of a signature roster shall draw a single horizontal
7 line in ink through each signature space in the signature
8 roster where no signature or mark appears. "

9 Section 21. Section 1-5-11 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 113, as amended) is recompiled as Section
11 1-12-30.1 NMSA 1978 and is amended to read:

12 "1-12-30.1. VOTER LISTS--SIGNATURE ROSTERS--DISPOSITION
13 AFTER THE POLLS CLOSE. --

14 A. After the polls are closed, the signature roster
15 shall be properly certified by the precinct board and returned
16 to the county clerk with the election returns destined for the
17 county clerk. The precinct voter list marked for the secretary
18 of state shall be returned to the secretary of state with the
19 election returns destined for the secretary of state.

20 B. The signed and certified signature rosters used
21 in any election shall be considered a part of the election
22 returns and treated accordingly. They shall be preserved and
23 finally disposed of in the same manner as provided in the
24 Election Code [~~for poll books~~] and 42 U. S. C. 1974.

25 C. [~~The punishment for willful destruction,~~

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underscored material = new
[bracketed material] = delete

1 ~~defacement, unauthorized alteration or improper disposition]~~
2 Whoever willfully destroys, defaces, alters without
3 authorization or improperly disposes of signature rosters used
4 in an election [~~shall be the same as for similar treatment of~~
5 ~~poll books~~] is guilty of a fourth degree felony. "

6 Section 22. TEMPORARY PROVISION--RECOMPILATION.--Section
7 1-5-12 NMSA 1978 (being Laws 1969, Chapter 240, Section 114, as
8 amended) is recompiled as Section 1-12-7.2 NMSA 1978.

9 Section 23. REPEAL.--Sections 1-5-9, 1-5-13, 1-5-15,
10 1-5-20 and 1-5-27 through 1-5-29 NMSA 1978 (being Laws 1969,
11 Chapter 240, Sections 111, 115 and 120, Laws 1977, Chapter 222,
12 Section 11 and Laws 1975, Chapter 255, Sections 81 through 83,
13 as amended) are repealed.

14 Section 24. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is May 19, 2004.

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